REMARKS

Applicants have thoroughly considered the Examiner's remarks in the August 13, 2007 Office action and respectfully request reconsideration of the application in view of the following remarks. This Amendment D amends claim 1, 13 and 23, and cancels claims 7, 20, and 29. Claims 1-6, 8-10, 12-14, 16-17, 19, 21-28, 30-39, 41-47, 49, and 50 in the application for further examination.

As a preliminary matter, Applicants request that the Examiner consider the reference cited in the supplemental IDS dated May 15, 2006.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-10, 12, 33, 34, 36-39, 41 and 42

Claims 1-10, 12, 33, 34, 36-39, 41 and 42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Serial No. 2002/0103920 to Berkun et al. ("Berkun") in view of U.S. Patent Application Serial No. 2002/0143976 to Barker et al. ("Barker"), and further in view of U.S. Patent Application Serial No. 2001/0031066 to Meyer et al. ("Meyer"). Applicants respectfully disagree. None of the cited references, alone or in combination, teach or suggest the combination of elements in claims 1-10, 12, 33, 34, 36-39, 41, and 42.

As previously argued and presented, Berkun teaches a method for retrieving media files and related data via a search system using metadata. (Berkun, para. [0023]). In Berkun, a score quantifying the degree of similarity between candidate metadata and valid metadata is calculated. The score is compared to a threshold value to either qualify or disqualify the database from which the valid metadata was obtained. The threshold value may be predetermined, constant, or adaptively determined in accordance with the range of calculated scores. (Berkun, para. [0047]). Barker discloses the efficient communication by an asset provider of updates to metadata describing characteristics of media content maintained for distribution by distribution endpoints. (Barker, para. [0002]). And as already admitted by the Office, Berkun and Barker each individually or in combination fails to disclose or suggest each and every element of claim 1.

Furthermore, the Office asserts on page 4 of the action the following:

> Meyer teaches *receiving one or more user-configurable reconciliation rules from a user* ([0023]-[0025]; Meyer teaches context information which is provide by the user which is used by the server to look up related data. Meyer also teaches the server and players can adopt a set of rules which may be used to control what the player displayer displays to the user or how to render the content based on data returned from a server. Using the broadest reasonable interpretation, the Examiner concludes the context to include but not limited to configurable reconciliation rules.).

In other words, the Office asserts that Meyer overcome the deficiencies of Berkun and Barker by disclosing (1) server and players can "adopt a set of rules which may be used to control what the player displayer [sic] displays to the user or how to render the content based on data returned from a server," and (2) Meyer discloses "context information," which could be interpreted to include configurable reconciliation rules.

Applicants respectfully submit that the Office misinterprets these features of Meyer and, thus, this reference fails to cure the deficiencies of Berkun and Barker. In particular, Meyer describes "context information" in paragraph [0022] as:

> **[0022]**   In the configuration shown in **FIG. 1**, the decoding process forwards the extracted identifier to a communication application, which in turn, forwards it in a message to a server. The decoding process or the communication application may add additional context information to the message sent to the to a server. The context information may relate to the user, the user's device, the attributes of the session (time of playback, format of playback, type of distribution (e.g., broadcast or transmitted audio file), etc.)

However, Meyer also discloses that in the same paragraph:

> Based on identifier and optional context information, the server determines an associated action to perform, such as re-directing an identifier or context data to another server, returning metadata (including programs, content, etc.), downloading content, logging a transaction record. To find

In other words, the "**server determines an associated action to perform based on** identifier and optional **context information**" (emphasis added). (Meyer, para. [0022]). That is, the associated action is **not** "specified by the user-configurable reconciliation rules;" it is determined by the server! This is directly contrary to the teaching of embodiments of the invention such as in claim 1.

Furthermore, even though Meyer also discloses that a server can adopt a set of rules ("The server rules may be used to control what the server returns in response to **an identifier and context data**" (Meyer, para. [0024])), Meyer is silent as to whether the server rules are "user-configurable." Also, Meyer teaches away from performing an action specified by the reconciliation rules based on the received trustworthiness rating because it is teaching a server performing an action in response to "**an identifier and context data**." Moreover, even if the Office assumes that these server rules are "user-configurable," Meyer nevertheless teaches away from embodiments of the invention because nowhere does Meyer disclose "**receiving one or more user-configurable reconciliation rules from a user**" as recited in claim 1. In addition, Meyer requires the following setup:

(1) having the rules (which may be hard-coded and non-user-configurable);

(2) accepting context information from a user; and

(3) determine an action, which may be from the rules, in response to an identifier and the context data.

In contrast to the cited art, embodiments of the invention as recited in claim 1 provide a more efficient and different performance undisclosed by Meyer, namely:

(1) receiving one or more user-configurable reconciliation rules from a user;… and

(2) performing an action specified by the reconciliation rules based on the received trustworthiness rating.

Amended claim 1, recites, in part, "receiving one or more user-configurable reconciliation rules from a user, **said reconciliation rules resolving metadata associated with media content**…; and performing an action specified by the reconciliation rules based on the received trustworthiness rating, **said action including at least one of the following based on the received trustworthiness rating: updating a media file associated with the media content, renaming the file, organizing a directory structure of one or more media files, storing the return metadata with the media content, storing the received trustworthiness rating with the media content, and prompting a user to accept the return metadata**." (See also paragraph [0035] of the application).

Amended claim 13, recites in part, "**maintaining a history data structure in a file storing the media content, said history data structure storing the other metadata state; receiving a request from a user to replace the one metadata state with the other metadata**

state; and replacing each set of metadata items associated with the one metadata state with a corresponding set of metadata items associated with the other metadata state **in response to the received request and as a user-configurable function of the received trustworthiness rating**." Amended claim 13 further incorporates the subject matter from claim 20, which has been considered.

Claim 33 as previously presented recites, in part, "…receiving a selection request from the user via the user interface selection device, said selection request specifying acceptance or rejection of the displayed metadata by the user based on the received trustworthiness rating associated with the displayed metadata; and performing an action on the displayed metadata in response to the received selection request."

Therefore, Applicants submit that the combined references of Berkun, Barker, and Meyer fail to disclose or suggest each and every element of claim 1. Claims 13, and 33 are allowable for at least the reasons that independent claim 1 is allowable. As such, the rejection of claims 1, 13, and 33 should be removed. Applicants submit that the rejected dependent claims depending from the independent claims are allowable for at least the same reasons that the independent claims from which they depend.

Claims 13-14, 16-17, 19, 23-24, and 29

Claims 13-14, 16-17, 19, 23-24, and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Berkun in view of Meyer. Applicants respectfully disagree. None of the cited references, alone or in combination, teach or suggest the combination of elements in claims 13-14, 16-17, 19, 23-24, and 29. For at least the reasons above, Applicants submit that the combined references of Berkun and Meyer fail to disclose or suggest each and every element of 13-14, 16-17, 19, 23-24, and 29. Therefore, the rejection of 13-14, 16-17, 19, 23-24, and 29 under 35 U.S.C. §103(a) should be withdrawn.

Claims 26-28

Claims 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Berkun and Barker. Applicants submit that the combined references of Berkun and Barker could not possibly disclose or suggest each and every element of claim 26 because the Office, in rejecting claim 1, admitted that Berkun and Barker fails to disclose or suggest at least the feature of **a**

user-configurable authoring module for selectively applying the received metadata to the media content based on a trustworthiness rating received via the communications component. In addition, amended claim 26 recites an additional feature of "**a user interface component for displaying to a user for review, accept or reject, based on the received trustworthiness rating, the metadata received via the communications component**." Therefore, Applicants respectfully request the withdrawal of the rejection of claim 26 and its dependent claims 27-28 under 35 U.S.C. §103(a) should be withdrawn.

Claims 43-47 and 49-50

Claims 43-47 and 49-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Berkun. Applicants submit that the Office misread the elements of the claims in setting forth the instant rejection. Claim 43 recites, in part, "**a selection field** for receiving a command from a user, said command selecting, based on the corresponding trustworthiness rating displayed in the rating field, one or more of the metadata values from the data fields for association with the metadata item and storage with the media content..." Embodiments of the invention as recited in claim 43 do not merely include a "rating field" but also a "**selection field** for receiving a command from a user, said command selecting, based on the corresponding trustworthiness rating displayed in the rating field, one or more of the metadata values from the data fields for association with the metadata item and storage with the media content." Berkun merely discloses, as specifically identified by the Office, a relevancy score and a hierarchy of trustworthiness. Nowhere does Berkun disclose or suggest the feature of a **selection field** for receiving a command **from a user** as recited in claim 43. Therefore, Applicants respectfully submit that the cited art fails to disclose or suggest each and every element of claim 43. Hence, the rejection of claim 43 and its dependent claims 44-47 and 49-50 under 35 U.S.C. §103(a) should be withdrawn.

Claims 20-22, 30-32, and 35

Claims 20-22, 30-32, and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Berkun, in view of Barker, and further in view of U.S. Patent Number 5,761,677 to Senator et al. ("Senator"). Applicants submit that Senator fails to cure the deficiencies of Berkun and Barker and that the combined references fail to disclose each and

every element of the rejected claims in light of the reasons above. For example, the cited art does not disclose performing an action specified by a user-configurable function of a received trustworthiness rating. Hence, the rejection of claims 20-22, 30-32 and 35 under 35 U.S.C. §103(a) should be withdrawn.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that the pending claims as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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